

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:07-CR-00053-F-1

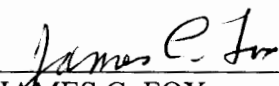
UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
WILLIE JAMES PEARSON,)	
Defendant.)	

This matter is before the court on Willie James Pearson's Post-Incarceration Rehabilitation Motion [DE-43]. In his motion, Pearson is seeking a reduction in his sentence based upon his rehabilitation efforts.

In support of his claim for a sentence reduction, Pearson cites to 18 U.S.C. § 3553(a). That section, however, does not provide a basis to modify a sentence that has already been imposed. *See United States v. Smartt*, 129 F.3d 539, 541-42 (10th Cir. 1997) (holding that special factors under 18 U.S.C. § 3553 that can be considered at sentencing cannot be utilized to modify a sentence). Accordingly, Pearson's Post-Incarceration Rehabilitation Motion [DE-43] is DENIED.

SO ORDERED.

This, the 18th day of December, 2013.



JAMES C. FOX
Senior United States District Judge